

# Exhibit E

Page 1

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
3                     CLARKSBURG DIVISION

4           ~~~~~

5           WESTFIELD INSURANCE COMPANY, A/S/O ARCO  
6           ENTERPRISES INC.,

7  
8                     Plaintiff,

9  
10                    vs.           Case No.   1:14-cv-00055-IMK

11  
12           BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC AND  
13           BRIDGESTONE AMERICAS, INC.,

14  
15                     Defendants.

16           ~~~~~

17                     Deposition of  
18           GARY A. DERIAN, P.E.

19  
20                     October 30, 2014

21                     10:04 a.m.

22                     Taken at:

23                     Veritext Legal Solutions

24                     41 South High Street

25                     Columbus, Ohio

                    Veritext Legal Solutions

                    Mid-Atlantic Region

                    1801 Market Street - Suite 1800

                    Philadelphia, PA 19103

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiff:</p> <p>4 Robert A. Stutman Law Office by</p> <p>5 DAMIEN ZILLAS, Esq.</p> <p>6 500 Office Center Drive, Suite 301</p> <p>7 Fort Washington, PA 19034</p> <p>8 Zillasd@stutmanlaw.com</p> <p>9 215-283-1177</p> <p>10 Steele Law Office, by</p> <p>11 CHUCK STEELE, Esq. (Via telephone)</p> <p>12 360 Lee Avenue</p> <p>13 Clarksburg, WV 26301-3742</p> <p>14 (304) 624-4004</p> <p>15 Info@wvtrialandinsurancelawyer.com</p> <p>16</p> <p>17 On behalf of the Defendant:</p> <p>18 Johnson Trent West &amp; Taylor by</p> <p>19 T. CHRISTOPHER TRENT, Esq.</p> <p>20 919 Milam Street, Suite 1700</p> <p>21 Houston, TX 77002-5378</p> <p>22 Ctrent@johnsontrent.com</p> <p>23 713-860-0525</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 TRANSCRIPT INDEX</p> <p>2</p> <p>3 APPEARANCES..... 2</p> <p>4</p> <p>5 INDEX OF EXHIBITS ..... 5</p> <p>6</p> <p>7 EXAMINATION OF GARY A. DERIAN, P.E.</p> <p>8 By Mr. Trent..... 7</p> <p>9</p> <p>10 REPORTER'S CERTIFICATE..... 189</p> <p>11</p> <p>12 EXHIBIT CUSTODY</p> <p>13</p> <p>14 EXHIBITS RETAINED BY REBECCA WILLIAMS, RPR</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONTINUED:</p> <p>2 On behalf of the Defendant:</p> <p>3 Bowles Rice, by</p> <p>4 RONDA L. HARVEY, Esq.</p> <p>5 600 Quarrier Street</p> <p>6 Charleston, WV 25301</p> <p>7 Rharvey@bowlesrice.com</p> <p>8 (304) 347-1701</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX OF EXHIBITS</p> <p>2 NUMBER DESCRIPTION MARKED</p> <p>3 Exhibit 1 Notice..... 9</p> <p>4 Exhibit 2 Inspection Note..... 11</p> <p>5 Exhibit 3 Notes..... 12</p> <p>6 Exhibit 4 Notes..... 18</p> <p>7 Exhibit 5 Notes..... 19</p> <p>8 Exhibit 6 Report..... 27</p> <p>9 Exhibit 7 List..... 29</p> <p>10 Exhibit 8 Photograph..... 30</p> <p>11 Exhibit 9 Photograph..... 31</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 134</p> <p>1 records or not?</p> <p>2 A. I don't think I did.</p> <p>3 Q. Did you attempt to determine</p> <p>4 whether the truck has any kind of ECM or other</p> <p>5 computer modules that records its feed at</p> <p>6 various times?</p> <p>7 A. I don't know what the ECM stores in</p> <p>8 this truck.</p> <p>9 Q. Have you seen any ECM data?</p> <p>10 A. Not from this truck, from Truck 28.</p> <p>11 Q. Did you review any ECM data from</p> <p>12 another truck?</p> <p>13 A. I have reviewed ECM data from</p> <p>14 trucks in other cases, but I have not done so</p> <p>15 in this case.</p> <p>16 Q. Have you ever conducted testing on</p> <p>17 a large truck with a failed front tire to</p> <p>18 evaluate the drag coefficient?</p> <p>19 A. I have not done that testing, no.</p> <p>20 Q. All right. In this case, have you</p> <p>21 quantified any type of drag as a result of the</p> <p>22 failed tire?</p> <p>23 A. I have not quantified it. I only</p> <p>24 -- I only know what the driver testified to.</p> <p>25 Q. Have you ever tested a large truck</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. Trying to go straight?</p> <p>2 A. Trying to go straight, and, in</p> <p>3 fact, you know, when I noticed a mistake in my</p> <p>4 report.</p> <p>5 Q. There's more than one in that</p> <p>6 section --</p> <p>7 MR. ZILLAS: Objection.</p> <p>8 Q. You'll agree with me there, right?</p> <p>9 In that section, there's more than one mistake?</p> <p>10 A. I don't know.</p> <p>11 MR. ZILLAS: Objection.</p> <p>12 Q. Well, we can go through it. Let's</p> <p>13 do that now. Why not.</p> <p>14 A. But I did say in the second</p> <p>15 paragraph, on Page 3, a flat left front tire</p> <p>16 creates a significant drag to the right and</p> <p>17 that's not right.</p> <p>18 Q. That's flat wrong?</p> <p>19 A. Right. I just, you know -- I don't</p> <p>20 know. Must have been a late night or</p> <p>21 something.</p> <p>22 Q. It's also wrong that the drag is</p> <p>23 caused by the braking force on the right side</p> <p>24 of the truck?</p> <p>25 A. Right; it's the left side truck.</p>
<p style="text-align: right;">Page 135</p> <p>1 with a failed front tire to evaluate the</p> <p>2 steering capability of that truck?</p> <p>3 A. No.</p> <p>4 Q. Are you able to quantify any change</p> <p>5 in the steering characteristics of the subject</p> <p>6 truck following the left front tire</p> <p>7 disablement?</p> <p>8 A. I'm not able to quantify that, but</p> <p>9 I did discuss it qualitatively in my report.</p> <p>10 Q. How many steering inputs did</p> <p>11 Mr. Pfeifer impart following what he heard with</p> <p>12 the left front tire?</p> <p>13 A. What do you mean by a steering</p> <p>14 input? Do you mean a reversal of input torque?</p> <p>15 Is that an input? I mean, I don't know what</p> <p>16 five inputs would be or two inputs. I don't</p> <p>17 know what you mean.</p> <p>18 Q. Each time that he would change</p> <p>19 direction would be a different input? Does</p> <p>20 that make sense to you, in terms of his hands</p> <p>21 on his steering wheel?</p> <p>22 A. Well, my understanding is that he</p> <p>23 tried to keep it on the highway and couldn't,</p> <p>24 so, in that sense, he had a single steering</p> <p>25 input.</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. It's also wrong that additionally,</p> <p>2 by applying a torque to the steering system</p> <p>3 that turns both front wheels to the right?</p> <p>4 A. Correct. That all should be to the</p> <p>5 left.</p> <p>6 Q. Okay.</p> <p>7 A. It's all really the same mistake,</p> <p>8 but, yeah, so just to clear that up.</p> <p>9 MR. ZILLAS: Left front?</p> <p>10 THE WITNESS: Correct. It was the</p> <p>11 left front steer veered to the left, and he</p> <p>12 couldn't keep -- he couldn't steer it to the</p> <p>13 right to keep it on the road, so it veered</p> <p>14 left.</p> <p>15 Q. Have you seen pictures of the</p> <p>16 accident scene?</p> <p>17 A. Yes.</p> <p>18 Q. Are there tire marks on the road?</p> <p>19 A. I don't believe the pictures</p> <p>20 included tire marks on the road. I don't</p> <p>21 recall seeing those.</p> <p>22 Q. Have you been to the scene?</p> <p>23 A. No.</p> <p>24 Q. Did Mr. Pfeifer apply his brakes?</p> <p>25 A. I don't recall. I don't recall</p>

35 (Pages 134 - 137)

<p style="text-align: right;">Page 138</p> <p>1 what he said specifically. Maybe -- I don't  2 think he said. I don't recall if he was asked.  3 It's not in my notes.  4 Q. Okay. Did you see any evidence  5 that the subject tire lost air in the  6 northbound travel lanes of the freeway?  7 A. Only the evidence that, on the tire  8 itself, I could tell it had been run flat and  9 damaged from running flat. I can't tell from  10 looking at the tire where that happened. I  11 think it's reasonable that it lost its air in  12 the northbound lane, which caused the drag to  13 the left and made him lose control.  14 Q. Do you think he would have not lost  15 control if the tire had not lost air?  16 A. Yes.  17 Q. You would agree?  18 A. I would agree if the tire holds  19 air, it's much easier to control because  20 there's a lot less of that drag force.  21 Q. If -- even if the tread and some of  22 the steel belts had detached partially from the  23 vehicle, it's your opinion he should have  24 maintained control?  25 A. Well, we would have to talk about a</p>	<p style="text-align: right;">Page 140</p> <p>1 travel, that is the first paved surface?  2 A. I don't have any proof, no.  3 Q. All right. And you haven't seen  4 the wheel?  5 A. No.  6 Q. What happened to the wheel; do you  7 know?  8 A. No.  9 Q. Did you ask your client?  10 A. It must have come up. I don't  11 remember what happened to the wheel. I don't  12 believe it exists, otherwise, I'm sure I would  13 have it.  14 Q. You gave my client a wheel that you  15 said went with this tire?  16 A. I did, and that was a mistake on my  17 part. It was a wheel from -- it was not even  18 the right size wheel I gave him.  19 Q. It was a multi-piece wheel?  20 A. No. It was a 24 and a half-inch  21 single-piece wheel I gave him.  22 Q. You gave my client a wheel from  23 another lawsuit?  24 A. Yes. And then he gave it back to  25 me, which was --</p>
<p style="text-align: right;">Page 139</p> <p>1 specific case, okay, a specific crash. I think  2 it's easier to control. I mean, there's some  3 drag to the left, but I believe it is much  4 easier to control. It is much easier to  5 control if the tire does not lose air.  6 I mean, if this -- if only the  7 third and fourth belt had detached, then the  8 first and second had stayed on, the tire would  9 have held air and it may not have been such a  10 severe crash. I mean, yeah.  11 Q. Well, in terms of this accident,  12 though, did Mr. Pfeifer go from a paved surface  13 through a median to another paved surface and  14 then have the crash; is that your  15 understanding?  16 A. Well, the whole thing was the  17 crash, right? I mean, he went through the  18 guardrail and down the hill and hit a tree.  19 Q. So is that your understanding,  20 though, he was on a paved surface, then  21 traveled through a median, then another paved  22 surface?  23 A. Yes.  24 Q. So do you have any proof that the  25 tire lost air in the northbound lanes of</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. Did you think that wheel was  2 supposed to go with this lawsuit for some  3 reason?  4 A. When they came to pick up the tire,  5 I mistakenly included that wheel.  6 Q. So you don't have the wheel and you  7 don't have any physical evidence that the tire  8 lost air in the northbound travel lanes,  9 correct?  10 A. Well, I don't have any photos of  11 the lanes to say, "Oh, look, I can see marks  12 here where the tire lost air." I don't have  13 those.  14 Q. Because it could have lost air as  15 the truck went through the median and came out  16 of the median, true?  17 A. You know, it's possible. Looking  18 at the way the tire failed and having -- having  19 failed first between the carcass and the first  20 belt. In other words, the failure point  21 exposed the carcass ply early in the sequence.  22 It didn't tear down to the carcass ply. It  23 tore up from the carcass ply. I think it's  24 very likely that it did lose air while  25 Mr. Pfeifer was in the northbound lane, but I</p>